

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW THOMAS SWAGER,

Defendant.

**CR-09-12-H-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 15, 2023. (Doc. 338.) Andrew Swager (Swager) filed an objection on November 28, 2023. (Doc. 340.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on November 14, 2023. (Doc.334.) The United States accused Swager of violating his conditions of supervised release 1) by failing to comply with the requirements of his home detention program; 2) by using a telephone capable of accessing the internet to gather information about children; 3) by failing to attend sex offender treatment

sessions; and 4) by knowingly communicating with an individual engaged in criminal activity. (Doc. 332.) At the revocation the government satisfied its burden of proof with respect to all of the alleged violations. (Doc. 334.) Judge Johnston found the violations are serious and warrants revocation of Swager's supervised release. Judge Johnston recommended Swager be incarcerated for 4 months, with a lifetime of supervised release to follow. (Doc. 338.) Swager was advised of his right to appeal and his right to allocute before the undersigned. (Doc.334.)

Swager now opposes Judge Johnston's Findings and Recommendations, objecting to Judge Johnston's recommended length of custody. (Doc. 340.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Swager's objection. The undersigned conducted a revocation hearing on December 6, 2023. (Doc. 342.) Swager and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations.

Swager's violations of his conditions of supervised release represent a serious breach of the Court's trust. This violations prove serious. Judge Johnston has recommended that the Court revoke Swager's supervised release and commit him to the custody of the Bureau of Prisons for 4 months. (Doc. 338.) Judge

Johnston further recommended a lifetime of supervised release to follow. (*Id.*)

Accordingly,

**IT IS HEREBY ORDERED** that Swager's objection is denied. Judge Johnston's Findings and Recommendations, (Doc. 338) are ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Andrew Thomas Swager be sentenced to the custody of the Bureau of Prisons for 4 months, with a lifetime of supervised release to follow. The radio frequency monitoring will be removed as a special condition.

DATED this 11th day of December, 2023.



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Brian Morris, Chief District Judge  
United States District Court